

RECEIVED
CENTRAL FAX CENTER

JUN 29 2007

10/523,601

REMARKS

The Applicant thanks the Examiner Holmes for discussing this matter in early this month. This response is believed to incorporate the suggested claim modifications made by the Examiner, during that telephone conference, and favorable reconsideration and allowance of this case is now requested.

Claim 26 is objected because of the informalities noted in the official action. Claim 26 is accordingly amended, by the above claim amendment, and the Applicant believes that this objection be overcome.

Claims 23-25, 27, 29-32 and 35 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Showalter '566. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

In response, as discussed below, it is the Applicant's position that currently amended claim 23, as well as all of the claims which depend thereon, are fully and patentably distinguished over and from the cited prior art and thereby allowable. Presently amended claim 23 now recites the feature that "the drive wheel (19) of the chain drive (18) includes a cylindrical section (21) which extends axially so as to radially overlie and surround the switch element (10) which abuts against a side of the drive wheel (19) remote from the transmission housing wall (2)". As discussed in the previous response, Showalter '566 does not in any way teach, suggest or disclose that the claw clutch (120) should be located at least partially inside a space defined and formed by the drive wheel (70) of the first chain drive, e.g., a cylindrical section (21) which extends axially so as to radially overlie and surround the switch element (10). According to the present invention, however, in fundamental contrast and distinction from Showalter '566 and as now explicitly recited in amended claim 23, the switch element (10) is radially surrounded by a cylindrical section of the drive wheel (19) of the chain drive (18). As described in the specification, this arrangement is not only a significant and fundamental difference from the arrangements in the Showalter '566 transmission, but is a significant aspect of the transmission, according to the present invention, by reducing the axial dimensions of the transmission of the present invention.

A2307-2:21 P M

- 6 -

10/523,601

The Showalter '566 reference, on the other hand, only teaches and discloses that the drive wheel 70 of the chain drive 74 overlaps the switch element 120. Such overlap takes place on the inner circumference of the switch element 120, as the Examiner notes in the office action mailed May 2, 2007. It is, therefore, the Applicant's position that presently amended claim 23 is fully and patentably distinguished over and from Showalter '566, under the requirements and provisions of 35 U.S.C. § 102(b). It is further the Applicant's position that claims 24-25, 27, 29-32 and 35 are also fully and patentably distinguished over and from Showalter '566, under the requirements and provisions of 35 U.S.C. § 102(b), for at least the same reasons by dependency from claim 23. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all rejections of claim 23-25, 27, 29-32 and 35 in view of the forgoing.

Next, claim 37 is rejected, under 35 U.S.C. § 102(b), over Showalter '566 in view of Kobayashi '161. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The Applicant acknowledges that the additional reference of Kobayashi '161 may arguably relate to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Showalter '566 with this additional art of Kobayashi '161 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. Further, as claim 37 depends from claim 31, which depends from claim 23, claim 37 thus incorporates all of the recitations and the limitations of claim 23 by such dependency. Thus, claim 37 recites all of the same patentable limitations and features of claim 23. As discussed above, these limitations are not in any way taught, suggested or disclosed by Showalter '566. It is also clear that Kobayashi '161 does not in any way disclose such limitations.

Finally, claim 38 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Showalter '566 in view of Batchelor '713. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

06/29/2007 1:21 PM

- 7 -

10/523,601

The Applicant acknowledges that the additional reference of Batchelor '713 may arguably relate to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Showalter '566 with this additional art of Batchelor '713 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. Moreover, as claim 38 depends from claim 31, which depends from claim 23, claim 38 thus incorporates all of the recitations and the limitations of claim 23 by such dependency. Thus, claim 38 recites all of the same patentable limitations and features of claim 23. As discussed above, these limitations are not in any way taught, suggested or disclosed by Showalter '566. It is also clear that Batchelor '713 does not in any way disclose such limitations.

The Applicant thanks the Examiner for indicating that claims 33, 34, 43 and 44 are allowed while claims 26, 28, 36 and 39-42 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). Notwithstanding such indication, the Applicant respectfully submits that amended claim 23 is now allowable and thus all of the rejected dependent claims are now allowable as well. If necessary, the Applicant will consider amending claims 26, 28, 36 and 39-42 to be independent claims which will include all of the limitations of the base claim and any intervening claim(s).

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Showalter '566, Kobayashi and/or Batchelor '713 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying

08/29/2007 1:53 PM

- 8 -

10/523,601

on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis Bujold & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com

6/29/07 3:31 PM

- 9 -